

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KELLI J. ROSSOL,

Case No. 2:18-CV-859 JCM (VCF)

ORDER

V.

NANCY A. BERRYHILL,

Defendant(s).

Presently before the court is Magistrate Judge Cam Ferenbach's report and recommendation (ECF No. 16) in the matter of *Rossol v. Berryhill*, case number 2:18-cv-00859-JCM-VCF. No objections have been filed, and the deadline for doing so has passed.

Magistrate Judge Ferenbach notes that the administrative law judge (“ALJ”) properly denied appellant Kelli Rossol’s application for disability benefits. (ECF No. 16). The record before the court, including the report and recommendation, shows that the ALJ based his decision on substantial evidence and provided specific reasons for rejecting various witness opinions. (ECF Nos. 9-1, 16). Accordingly, the magistrate judge recommends denying Rossol’s motion to remand and granting the social security commissioner’s motion to affirm the agency’s decision. *Id.*

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Ferenbach's report and recommendation (ECF No. 16) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that Rossol's motion to remand (ECF No. 10) be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that the social security commissioner's motion to affirm the agency decision (ECF No. 13) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the matter of *Rossol v. Berryhill*, case number 2:18-cv-00859-JCM-VCF be, and the same hereby is, AFFIRMED.

The clerk shall enter judgment accordingly and close the case.

DATED June 25, 2019.

James C. Mahan
UNITED STATES DISTRICT JUDGE